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## SOME CONSECRATED FALLACIES.

BY AMOS K. FISKE.

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IN the course of human history many fallacies have been propounded, with the sanction of such high authority that they have imposed upon the minds of men and produced delusions which generations of growing enlightenment have been unable to dispel. The framers of the American Declaration of Independence were inspired by an ardent patriotism and by lofty motives, and their statements embodied a sufficient justification of the cause to which they sought to devote their countrymen; but there was no revelation of universal and eternal truth in the "glittering generalities" with which they prefaced those statements. On the contrary, they consecrated to perpetuity some of the most obvious fallacies that were ever promulgated to mislead men.

They proclaimed it to be a self-evident truth "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness." Whatever interpretation and exegesis may do for this declaration, in the sense in which it is commonly accepted and used in the place of argument, it is neither self-evident nor truth. There is nothing more evident to human observation and human reason than the inequalities with which men come into the world and pass through it and out of it. Not only are different races unequal in capacities of various kinds, but the members of the same race present every diversity of inequality. Nor can any power at the command of mankind make them equal in this world or in the processes of time, whatever may be their destiny in eternity.

It is useless to argue around this immutable fact, or try to interpret into the Declaration a meaning which it does not con-

tain. All men are simply not created equal in any possible sense of the word. The negroes held in slavery by some of the signers of the Declaration of Independence were not created the equals of their masters nor of the average members of the race to which their masters belonged. The mass of the white people of the colonies were not all created equal, nor were the people of Mexico and South America at that time created equal to the people inhabiting the Republic then in the throes of birth.

The creation of men has been a gradual process of evolution, and they have been coming into being in different parts of the earth, through long generations, with differences and inequalities which development has varied and widened, and not obliterated. There are wide inequalities at birth and through life among the people of the United States, and inequalities less wide among the people of the Philippine Islands, and there is a large inequality between the people of this continent and of those islands. The fact is too glaring to be obscured by rhetoric.

Nor, in any strict sense of the word, can all men, or any men, be said to be endowed by their Creator with any rights whatever. Rights, in the political sense and in the social sense, are acquired or conceded as society and polity develop. There are principles of right which are fundamental and unchangeable, and as men advance they come more and more clearly to recognize and apply these, and thereby rights are slowly gained and firmly established. They are not the natural endowment, though they may be the far-off heritage, of all men. Rights, when once acquired, are not inalienable. Every human State and every human society has, perforce, to define and curtail the rights of its members; otherwise it could not exist and make progress. It grants and it modifies rights, and it is continually compelled to alienate and forfeit rights that have been inherited or acquired. It is still so in the freest and most enlightened land on earth.

Rights are alienated or forfeited by crimes against the State and offenses against social order and safety, and by incapacity to exercise them without harm to the general well-being. And among the rights alienable for such causes are life, liberty and the pursuit of happiness. The wilful murderer of his fellow-man forfeits his right to life at the stern demand of justice, one of the immutable principles of right. The State justly alienates from the malefactor the right to liberty and the pursuit of happiness. Many

men voluntarily surrender their rights for the benefit of their country, or for their own advantage; and all men's rights in civilized society are more or less curtailed and restricted, and in so far alienated, for the sake of harmony and security to the whole. The extent of the alienation depends upon the necessities of the case and the requirements of human order, and not upon degrees of divine endowment. This is the universal fact of human experience, whatever may be demanded by ideal theories.

Without doubt, governments are instituted among men to establish and secure rights, and to maintain that balance which is necessary to safety and progress. Do they derive their just powers from the consent of the governed? Let us not be blinded by the glitter of a generality, the meaning of which is not clearly defined. A statement which is susceptible of various interpretations and may have different and conflicting meanings, to suit the exigencies of polemics, is not an expression of universal and absolute truth. What is the consent of the governed?

Certainly the individual is and must be in many cases governed without his consent, and even against his protest, if social and political order is to be maintained and the general well-being subserved. Not only were the slaves held by some of the "fathers of the Republic" not the equals by creation of their masters, but they were governed in a kind of patriarchal system without their consent, though not in all cases against their will. The subjects of any kind of government are necessarily constrained to submit to an established authority, though they neither consent to its existence nor approve of the way in which its powers are exercised.

Is it, then, a question of the consent of the majority? That depends upon how the majority is composed, and what is the effect of its influence upon government. It is not really a question of the "greatest good to the greatest number," according to the judgment of the greatest number, but of the highest good to the whole, attainable by the combined wisdom and power of the whole. There was much distrust of the wisdom and of the power of numbers among the signers of the Declaration of Independence and the framers of the Federal Constitution. None of them practically regarded the consent of a majority of the subjects of government as the source of its just powers, or as necessary to their equitable exercise.

The ordinary, if not the universal, manner of expressing popular consent is by a vote of the people. Most of the authors of the Declaration and the founders of the Constitution believed in a qualification of the suffrage that has been found necessary to the attainment of the ends of government and the security of the actual rights of its subjects. It would not be necessary in a commonwealth where intelligence was universal and education general, and the degrees to which it is necessary in the present human state vary with the intellectual and moral condition of the governed. It is the right of the organic whole of a community to be ruled by the preponderance of wisdom and ability to govern, rather than by the preponderance of numbers. In the nation launched by the Declaration of Independence, and in the States created under the Constitution, there have been various qualifications and modifications of the suffrage to secure better results in government, the very purpose and intent of which was to lessen the dependence of the government upon the consent of the governed.

Does consent of the governed, then, signify the acquiescence of a State, or of a community, in the control of any central or external authority that may be established over it? That, too, depends upon circumstances and conditions, and not upon any universal rule of right or self-evident truth. When the slave States withdrew their consent to the exercise of that national jurisdiction which the Federal Constitution had established, was the national Government bound, politically or morally, by the sacred principles of the Declaration of Independence to "let the erring sisters go?" We know the cost, in treasure, in the blood of men and in the tears of women, of bringing them back under the national authority without their consent. Was truth defied, was justice outraged, was the foundation principle of our Government subverted in the performance of that dreadful task, or was a stern but sacred duty discharged in saving the Union of States from overthrow?

But how about that very revolt of the thirteen colonies against the government exercised over them by the Kingdom of Great Britain and Ireland? It was for that emergency, and not for the future government of this or any other people, that our great Declaration was fulminated. Its authors deemed the colonies as already a "people," connected by political bands to another, but entitled by the laws of nature and of nature's God to a separate

and equal station among the powers of the earth. They believed that the time had come, in the course of human events, when those political bands should be dissolved, and, out of a decent respect for the opinions of mankind, they declared the causes that impelled to the separation.

In the situation of the country as it then was, with the alternative of oppression or independence confronting them, believing the people of the colonies to be the equals of those of the mother country, and equally entitled to a voice in the government to which they were subject, they prefaced their Declaration with that sweeping and glowing utterance, which had a broad application as truth to their case, but which becomes a delusive bundle of fallacies when promiscuously applied to the universal state of man, and which has taken the consecration of 1776 as giving it an "equal date with Sinai and with Ararat." But, in point of fact, the Revolution was not based upon any self-evident truth of the equality of men, or upon the theory that governments derive their just powers from the consent of the governed.

It was impelled by the wrongs which the colonies suffered at the hands of the mother country. It was induced by the unjust government that was exercised over them and the evil consequences that were thereby entailed upon their people. England's offense was not imposing her government upon the people of the colonies without their consent, but exercising that government unwisely and wrongfully to their harm. It was the circumstances of the case that justified the revolt and that made it successful, and no universal truth of the equality of men or fundamental principles of the consent of the governed. Circumstances made the people capable and fit for self-government, and they knew it. Circumstances justified them in declaring their independence and circumstances enabled them to achieve it. When they came to frame their own government, they acted upon the dictates of practical wisdom and exercised a saving common sense, which is our best heritage; and they thought no more of the native-born equality of all men or the theory of the consent of the governed. In all our history since, our political action has been determined by the practical requirements of every situation and the demands of the national well-being, and not by the dreamer's interpretation of the Declaration of Independence.

But suppose a people to be already independent; or, either

alone or with the assistance of another people, to have broken away from a power that had previously ruled it, whether justly or unjustly. Can any nation be justified in stepping in and establishing a government over that people without their consent? This, again, depends upon the circumstances and conditions of the case, and not upon some universal truth or fundamental theory of human government.

The time has come in the course of human events when no people on the face of the earth can live for itself alone. With the progress of civilization, the peoples are coming so in contact with each other, and into such mutual relations, that the rights of one are affected by the rights of another, and adjustments are made necessary in which more than one voice must be heard. Circumstances, and the methods of Spain's administration in her colonies, made her government of Cuba without the consent of its people an outrage and a wrong. The damage of that government to the interests of the United States justified intervention to put an end to it. Do any of these facts or any antecedent truth make of the people of Cuba the equals of all created men, or do the laws of nature and of nature's God necessarily entitle them to a separate and equal station among the powers of the earth? The question of fitness for self-government—and nobody denies that there is such a question—involves the assumption of inequality of natural endowment among men. No people, as a people, can exercise the unrestrained right to life, liberty and the pursuit of happiness regardless of the rights and interests of their fellow peoples upon the earth. The right of the people of Cuba to independence and self-government depends upon their ability to exercise it to their own benefit and without detriment to the other peoples, who cannot escape relations with them of mutual good or harm. If intervention was justified to save them from the misrule of Spain, because interests of the United States were injuriously affected, intervention to save them from their own misrule might be justified for a like reason. There is no universal truth or fundamental principle which forbids their being governed without their consent, if rights and interests broader and higher than their own require it.

Take the present case of the Philippine Islands, to which our consecrated fallacies have been so freely applied of late. We are not concerned for the moment with questions of policy or the

wisdom of what has been done. But are the people of those islands, by creation or as the result of experience, as a whole and on the average, the equals of the people of the United States? Are they capable of governing themselves in a way which will secure to all the right to life, liberty and the pursuit of happiness within their own domain, and safeguard the interests of others who cannot avoid holding relations with them? If not, are they entitled, by the laws of nature and of nature's God, to take a separate and equal station among the powers of the earth, regardless of what those powers may say or do in their own behalf? If they have that title, it is certain that it will not be respected by all the powers of the earth, and it can hardly be made valid by the consecration of the American Declaration of Independence.

The course of events in the last two years, whether rightly or wrongly we need not inquire, has placed the United States in a peculiar relation to the Philippine Islands, involving responsibilities to itself, to them and to the rest of the world. What the situation requires of us we will not discuss; but suppose it be admitted that the interests of all concerned—the United States, the Philippine Islands, and the rest of the world—would be best subserved by the exercise of the powers of government over the islands by the United States, is there any sacred truth, any principle of right or justice, that would forbid that consummation, without the consent of the people of the islands first had and obtained? Must the lack of that consent, even though induced by ignorance or incapacity of judgment, stand against a better judgment of what is for the well-being of the islands and their people; stand against the interests of the United States in that part of the world, however important they may be; stand against the interests of other nations toward whom we have assumed responsibilities, without regard to any and all consequences that might be entailed by our refusal to exercise the governmental powers which a situation of our making demands, but which cannot be derived from the consent of the governed?

We do not in fact know whether we would have that consent or not. A large proportion of the people know little and understand less of the controversy that is going on, and are in no position to give or to withhold their consent. Another large proportion, there is reason to believe, would gladly give their consent, if the opportunity were offered. The proportion which, under

the dominant influence of a few strong and ambitious leaders, is actually resisting American control is a small one, but it makes a situation which renders a test of the question of consent impossible now. But the question is on the whole irrelevant. It is raised and seriously debated solely on the strength of an announcement which is either radically fallacious, or which has been rendered fallacious by misapplication, and which is held to be consecrated only because it is embodied in an instrument that all Americans revere for good and sufficient reasons. But the practical common sense of the American people will continue to insist upon the settlement of the political problems of the nation upon considerations of wisdom and justice, as they are able to see them to-day, and not under the sway of delusive fallacies solemnly promulgated a century and a quarter ago.

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